

UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF NORTH CAROLINA  
WESTERN DIVISION  
No. 5:17-CR-369-1D

**United States of America,**

v.

**Rafael Noguez-Garibay,**

Defendant.

**Order**

On December 19, 2017, the court was scheduled to hold a hearing on the United States' motion seeking the defendant's detention pending trial. Defense counsel has informed the court that the defendant wishes to waive the detention hearing.

The defendant executed a written waiver that confirms defense counsel's representation to the court. The court has questioned the defendant and determined that the defendant's waiver of the detention hearing was knowingly and voluntarily made.

Based upon the defendant's waiver, the court finds by clear and convincing evidence that no condition or combination of conditions will reasonably assure the defendant's appearance as required and the safety of any other person and the community pending the defendant's trial.

Therefore, the United States' motion for detention is granted and it is ordered that:

1. The defendant is committed to the custody of the Attorney General for confinement in a corrections facility separate, to the extent practicable, from persons awaiting or serving sentences or being held in custody pending appeal;
2. The defendant shall be afforded reasonable opportunity for private consultation with counsel; and
3. On order of a court of the United States or on request of an attorney for the Government, the person in charge of the corrections facility in which the defendant is confined shall deliver the defendant to a United States marshal for the purpose of an appearance in connection with a court proceeding.

Dated: December 19, 2017



ROBERT T. NUMBERS, II  
UNITED STATES MAGISTRATE JUDGE